

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-41745 of 2015
Date of Decision:-01.02.2016**

Amarjeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Saurabh Kaushik, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. K.K. Chaudhary, Advocate for
Mr. Sanjiv Gupta, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.464 dated 10.12.2008 (Annexure P-1), under Sections 454 and 380 IPC, registered at Police Station Tripari Town, District Patiala and later on charges were framed under Sections 420, 465, 467, 468, 471 and 120-B IPC, along with all consequential proceedings arising therefrom on the basis of compromise dated 3.11.2015 (Annexure P-3).

Vide order dated 14.12.2015, this Court has directed the

parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 14.12.2015, the parties have appeared before the learned Magistrate on 24.12.2015 for getting their statements recorded.

The report dated 18.1.2016 received from the learned Judicial Magistrate 1st Class, Patiala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant-Santosh Dhaliwal @ Santosh Gupta before the Judicial Magistrate 1st Class, Patiala, on 24.12.2015 reads as under :-

'Stated that I have compromised with the accused Amarjit Singh in the present case. The accused Som Nath Bhalla and Tara Gilani had already died during the pendency of the trial. Challan has not been presented against the accused Amarnath Bhalla till today who had died in the year 2013. Now, I have no grudge or any complaint against the accused person of the present case. I have no objection if the FIR No.464 dated 10.12.2008 under Sections 454/380 IPC registered at Police Station Tripuri Town, Patiala and later on charges were framed under Sections 420, 465, 467, 468, 471, 120-B of IPC against the accused is quashed by the Hon'ble Court. I have given this statement voluntarily without any force, fraud or coercion from anybody. The copy of the compromise is Ex.PX.'

Learned counsel appearing for respondent No.2 does not

dispute the fact of compromise effected between the parties.

Learned State counsel does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of ***Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)*** and ***Gian Singh vs. State of Punjab and others, (2012)10 SCC 303***, this petition is accepted and FIR No.464 dated 10.12.2008 (Annexure P-1), under Sections 454 and 380 IPC, registered at Police Station Tripari Town, District Patiala and later on charges were framed under Sections 420, 465, 467, 468, 471 and 120-B IPC, and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

February 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE